

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

MVM-CO-R
MVM-2004-49-RSA

REGULATORY PROJECT MANAGER:

Roger Allan

Date: 1/28/2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N) **Date:**

At the project site (Y/N) **Date:** 6/02/2004

PROJECT LOCATION INFORMATION:

State: Tennessee
County: Shelby
Center coordinates of site by latitude & longitudinal coordinates: 35.1992 / -9.6521
Approximate size of site/property (including uplands & in acres): N/A (Road Project)
Name of waterway or watershed: Grays Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary X Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

This site is a small (approximately 0.185 acre) isolated wetland along the edge of a former agricultural field / current planned subdivision. It is a depressional feature containing mostly small trees; because it is isolated from other wooded areas as well, it is not expected that this area provides habitat for migratory birds. No surface connections to other waters are visible. Impacts to this area were authorized by the State of Tennessee in its §401 Water Quality Certification; this certification required mitigation for impacts to this wetland.